

STATEMENT OF BASIS

This Statement of Basis pertains to the decision by the Commissioner of the Department of Energy and Environmental Protection (the "Department") to deny the issuance of the solid waste permit requested through the Application No. 200801014 submitted on April 8, 2008 by Recycling, Inc. for a Permit to Construct and Operate a Volume Reduction Plant for construction and demolition wastes at 990 Naugatuck Avenue Milford, Connecticut.

The Department proposes to deny without prejudice Application No. 200801014 pursuant to Sections 22a-208a(a), 22a-6(a)(4), 22a-6h, and 22a-6m of the Connecticut General Statutes and Section 22a-209-4(b)(3) of the Regulations of Connecticut State Agencies. The Commissioner's decision is based on the information listed below.

1. *The Stipulation to Judgment dated October 23, 2012 ("the Stipulation") which is on file with the Superior Court in Docket Nos. CV-12-602674-S and CV-12-5029750-S and is signed by both Mr. Gus Curcio, Sr. and Ms. Darlene Chapdelaine, provides that Mr. Gus Curcio, Sr. is the 100% beneficial owner of Recycling, Inc. ("the Corporation"). Stipulation, Para. 1.*
2. *In the Verified Complaint, submitted under oath, in Docket No. CV-12-602674-S, Mr. Gus Curcio, Sr. alleged that, at all times since "[t]he Corporation was formed on or about February 6, 2008," Mr. Gus Curcio, Sr. "is, and at all times has been, the beneficial owner of the Corporation." Verified Complaint, Para. 3.*
3. *In the Verified Complaint, submitted under oath, in Docket No. CV-12-602674-S, Mr. Gus Curcio, Sr. alleged that he had designated Ms. Darlene Chapdelaine, the defendant in Docket No. CV-12-602674-S, as the "sole officer and director of the Corporation for the purpose of facilitating the filing of an application with the Connecticut Department of Environmental Protection now known as the Connecticut Department of Energy and Environmental Protection ('DEEP') to establish and operate a recycling center and volume reduction facility on real property owned by the Corporation at 990 Naugatuck Avenue, Milford, Connecticut." Verified Complaint, Para. 4.*
4. *In the Verified Complaint, submitted under oath, in Docket No. CV-12-602674-S, Mr. Gus Curcio, Sr. alleged that "the mention of the Plaintiff's name invariably and historically attracts unwanted negative publicity arising out of a federal criminal matter dating back some 30 years." Verified Complaint, Para. 4.*
5. *Based on the information supplied in the aforementioned legal proceedings, Mr. Gus Curcio, Sr. claims to have owned the Corporation from February 6, 2008 onward, up to and including through the date of the Stipulation. This ownership of the Corporation thus conflicts with the information presented to the Department concerning the Corporation's ownership as more specifically set forth as follows:*

- a. *Application No. 200801014 submitted on April 8, 2008, represented that the owners of the property at that time were Mr. Richard Barrett, Mr. Joseph Barrett and Michael DeDonato (trustee for estate of Donald Barrett) and that Mr. Barrett held a greater than 20% share of the Corporation.*
- b. *A revision to Application No. 200801014 Attachment D: Background Information submitted February 19, 2009, represented that the owners of the property at that time were Mr. Richard Barrett, Mr. Joseph Barrett and Michael DeDonato (trustee for estate of Donald Barrett). The same submission also represented that the owner and President of the Corporation was Mr. James Barrett.*
- c. *A revision to Application No. 200801014 Attachment H (previously D): Background Information, submitted December 30, 2009, represented that the owner of the Corporation was at that time Ms. Darlene Chapdelaine.*
- d. *A revision to Application 200801014, Applicant Certification page 13 of 13 of the Application Form submitted May 14, 2010, represented Ms. Darlene Chapdelaine as the President of the Corporation. A Warranty Deed dated October 22, 2009 was included in the same submission and established the owner of the property as Recycling, Inc.*
- e. *A revision to Application No. 200801014 Part III Applicant Information Page 3 of 13 of the Application Form, submitted on December 22, 2011, maintained that Ms. Darlene Chapdelaine was the President of the Corporation.*

As outlined above, Recycling, Inc. submitted false, misleading or incomplete information to the Department upon which the Department relied. Considering the false, misleading and incomplete application submissions, and a history of non-compliance of Mr. Gus Curcio, Sr. relative to Success, Inc., the Department finds a pattern or practice of non-compliance which demonstrates Recycling, Inc.'s unwillingness or inability to achieve and maintain compliance with the terms and conditions of the permit. The compliance history for Mr. Gus Curcio, Sr., includes a court judgment against Success, Inc., Bridgeport Docket No. HHD-CV-07-4032519-S issued on January 13, 2010, and a Notice of Violation, Department number NOVWSWDS12062 issued to Recycling Inc. on June 11, 2012. Both of these enforcement actions remain open with obligations that have not been satisfied.

For all the reasons set forth above, the Commissioner intends to deny Permit Application No. 200801014 for the Construction and Operation of a Volume Reduction Plant for construction and demolition waste.